

## REMARKS

This is a full and timely response to the final Office action mailed October 17, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### Present Status of Patent Application

Upon entry of the amendments in this response, claims 1 and 3-10 are pending in the present application. More specifically, claims 8-10 have been previously presented; claim 2 has been canceled without prejudice, waiver or disclaimer; and claims 1 and 3-7 have been currently amended without introduction of new matter. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application if he so chooses, and does not intend to dedicate the subject matter of the canceled claims to the public.

Reconsideration and allowance of the application and presently pending claims are respectfully requested.

#### A. Summary of Examiner Interview

Applicant thanks Examiner for the telephone conversation between Examiner and Applicant's representative on November 28, 2007. The conversation pertained to the rejected claims and how best to move forward prosecution in the case. No specific agreement was reached.

#### B. Allowable Subject Matter

Applicant thanks Examiner for allowing claims 9 and 10 and for also indicating that claims 2, 4, and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to this indication, Applicant has canceled claim 2 and incorporated all the subject matter of claim 2 into independent claim 1 thereby making claim 1 allowable. Applicant respectfully submits that claims 4 and 8 are now allowable by law at least due to claim dependency on allowable claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Consequently, Applicant respectfully requests allowance of claims 4 and 8 as well.

#### C. Claim Rejections under 35 U.S.C. §102

##### Statement of the Rejection

*Claims 1, 3, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McMinn et al.,*

US 5,734,672.

**Response to the Rejection**

**Claim 1**

Applicant acknowledges Examiner's remarks (page 2 of the Office action) that claim 1 does not specifically limit the laser source to a single laser diode. Accordingly, it should be understood that the term "laser source" as used in Applicant's claim 1 encompasses a variety of laser elements including a single laser diode as well as a laser array such as the one disclosed by McMinn.

Furthermore, in the interests of moving forward prosecution in the case by accepting allowable claims, Applicant has currently amended claim 1 to incorporate all the elements of objected claim 2. This amendment has been carried out in light of the Office action indication that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 102(b), followed by allowance of claim 1.

**Claims 3 and 7**

Applicant respectfully submits that claims 3 and 7 are allowable for several reasons. One amongst these several reasons is due to the fact that each of these claims is directly or indirectly dependent on now allowable claim 1 and is consequently allowable as a matter of law.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 3 and 7 under 35 U.S.C. 102(b), followed by allowance of these claims.

**D. Claim Rejections under 35 U.S.C. §103**

**I. Statement of the Rejection**

*Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMinn et al., (US 5,734,672).*

**Response to the Rejection**

**Claim 5**

Applicant respectfully traverses the rejection of claim 5. However, Applicant opts to refrain from providing reasons for the traversal because the claim is allowable at least due to the fact that this claim is directly dependent on now allowable claim 1 and is consequently allowable as a matter of law. Consequently, Applicant respectfully requests withdrawal of the rejection of claim 5 under 35 U.S.C. 103(a) followed by allowance of the claim.

## **II. Statement of the Rejection**

*Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMinn et al., (US 5,734,672) in view of Lee et al. (US Patent No. 5854867).*

### **Response to the Rejection**

#### **Claim 6**

Applicant respectfully traverses the rejection of claim 6. However, Applicant opts to refrain from providing reasons for the traversal because the claim is allowable at least due to the fact that this claim is directly dependent on now allowable claim 1 and is consequently allowable as a matter of law. Consequently, Applicant respectfully requests withdrawal of the rejection of claim 6 under 35 U.S.C. 103(a) followed by allowance of the claim.

### **Prior Art Made of Record**

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### CONCLUSION

In light of the reasons set forth above, Applicant respectfully submits that pending claims 1 and 3-10 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims (including withdrawn claims) are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

Respectfully submitted,

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I hereby certify that this paper is being electronically transmitted to the Commissioner for Patents on the date shown below:

Date of transmission: 30 November 2007  
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